

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill  
3 No. 611 entitled “An act relating to miscellaneous provisions affecting the  
4 Department of Vermont Health Access” respectfully reports that it has  
5 considered the same and recommends that the Senate propose to the House that  
6 the bill be amended as follows:

7 First: By striking out Sec. 2, 18 V.S.A. § 4682, in its entirety and inserting  
8 in lieu thereof a new Sec. 2 to read as follows:

9 Sec. 2. 18 V.S.A. § 4682 is amended to read:

10 § 4682. DISCRIMINATION AGAINST 340B ENTITIES PROHIBITED

11 \* \* \*

12 (b) A manufacturer or its agent shall not directly or indirectly require a  
13 340B covered entity to submit any claims, utilization, encounter, purchase, or  
14 other data as a condition for allowing the acquisition of a 340B drug by or  
15 delivery of a 340B drug to a 340B contract pharmacy or a 340B covered entity  
16 unless the claims or utilization data sharing is required by the U.S. Department  
17 of Health and Human Services.

18 \* \* \*

19 (d) ~~A manufacturer or its agent shall offer or otherwise make available~~  
20 ~~340B drug pricing to a 340B covered entity or 340B contract pharmacy in the~~

1 ~~form of a discount at the time of purchase and shall not offer or otherwise~~  
2 ~~make available 340B drug pricing in the form of a rebate. [Repealed.]~~

3 Second: In Sec. 9, amending 2025 Acts and Resolves No. 50, Sec. 8, in  
4 subsection (a), by striking out “2026” both times it appears and inserting in  
5 lieu thereof “~~2026~~ 2027”

6 Third: By striking out Sec. 10, effective date, in its entirety and inserting in  
7 lieu thereof two new sections to be Secs. 10 and 11 to read as follows:

8 Sec. 10. 8 V.S.A. § 4077 is amended to read:

9 § 4077. REPRODUCTIVE HEALTH CARE SERVICES

10 \* \* \*

11 (h)(1) As used in this subsection:

12 (A) “HIV prevention drug” means any preexposure prophylaxis drug  
13 or postexposure prophylaxis drug, including oral and long-acting injectable  
14 formulations, that is approved by the FDA for HIV prevention or that is  
15 otherwise authorized for HIV prevention pursuant to FDA labeling or federal  
16 clinical guidelines.

17 (B) “Supportive health service” means any health service that is  
18 necessary to monitor a patient to ensure the safe and effective ongoing use of  
19 an HIV prevention drug and includes:

20 (i) an office visit;

21 (ii) laboratory testing;

- 1                    (iii) testing for a sexually transmitted infection;  
2                    (iv) medication self-management and adherence counseling;  
3                    (v) patient education and counseling by the patient’s health care  
4 provider regarding the appropriate use of the HIV prevention drug; and  
5                    (vi) any other health services that are components of  
6 comprehensive HIV prevention drug services as determined by the patient’s  
7 health care provider.

8                    (2) A health insurance plan shall provide coverage for HIV preexposure  
9 prophylaxis drugs as recommended by the U.S. Preventive Services Task  
10 Force as of August 22, 2023. This coverage shall be provided without any  
11 deductible, coinsurance, co-payment, or other cost-sharing requirement, except  
12 to the extent that such coverage would disqualify a high-deductible health plan  
13 from eligibility for a health savings account pursuant to 26 U.S.C. § 223.

14                    (3) Medicaid and any other public health care assistance program  
15 offered or administered by the State or by any subdivision or instrumentality of  
16 the State, except for any program funded in whole or in part by federal grants  
17 that include prohibitions on coverage of HIV prevention drugs, shall provide  
18 coverage of HIV prevention drugs and supportive health services and shall:

19                    (A) not require any cost sharing, including co-payments;

20                    (B) provide coverage without requiring prior authorization or any  
21 other protocol that may restrict or delay dispensing for at least one FDA-

1 approved drug in each category of preexposure and postexposure prophylaxis  
2 drugs; and

3 (C) not deny coverage based on the type of health care professional  
4 issuing the prescription for any HIV prevention drug for which Medicaid does  
5 not require prior authorization, provided the health care professional is acting  
6 within the professional’s authorized scope of practice and is enrolled as a  
7 participating provider in Vermont Medicaid.

8 Sec. 11. EFFECTIVE DATE

9 This act shall take effect on passage.

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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE